

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 864
HOUSE BILL 977

AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES TO REQUIRE THE
LICENSING OF LOCAL MENTAL HEALTH FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 122 of the General Statutes is hereby amended by adding the following Article immediately following Article 2D, such new Article to read as follows:

"ARTICLE 2E.

"Licensing of Local Mental Health Facilities.

"§ 122-35.28. **Requirement for licensing of local mental health facilities.** — Any local mental health facility, of whatsoever nature, which is operated under the provisions of Chapter 122 of the General Statutes is required to obtain a license permitting such operation. The Commission for Mental Health Services shall promulgate the rules, regulations and standards governing the operation and licensing of these facilities. The Department of Human Resources shall be responsible for administrative support of the commission in formulating these rules, regulations and standards and for their enforcement. The Department of Human Resources shall conduct required inspections of these facilities and shall issue or deny licenses to these facilities in accordance with the rules, regulations and standards adopted by the commission.

"§ 122-35.29. **Appeal from the denial or revocation of a license.** — Any local mental health facility as described in G.S. 122-35.28 which has been denied a license or whose license has been revoked by the Department of Human Resources shall be notified in writing of said denial or revocation and shall be entitled to a hearing before the Commission for Mental Health Services upon filing with the Commission within 30 days after the challenged decision a written appeal from the adverse decision of the department. All hearings shall be open to the public and the decision of the commission on the matter shall be transmitted to the appellant within a reasonable period of time after such hearing."

Sec. 2. This act shall become effective July 1, 1976.

In the General Assembly read three times and ratified, this the 26th day of June, 1975.